

No. 25-1520

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

THOMAS E. OVERBY, JR., INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED; ABBY GEARHART, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,

Plaintiffs-Appellees,

v.

ANHEUSER-BUSCH, LLC,

Defendant-Appellant.

On Appeal from the United States District Court for the
Eastern District of Virginia at Newport News
Case No. 4:21-cv-00141-AWA-DEM

MOTION FOR LEAVE TO PROCEED WITH THE JOINT
APPENDIX AS FILED

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Pursuant to Federal Rule of Appellate Procedure 27, Defendant-Appellant Anheuser-Busch, LLC hereby moves for leave to proceed with the joint appendix as filed. Anheuser-Busch conferred with counsel for Plaintiffs, who object to the requested relief.

On July 2, 2025, the Clerk's Office issued a Docket Correction Notice, instructing Anheuser-Busch to file within two business days a new joint appendix, separating any condensed deposition transcript pages.

There is good cause to allow Anheuser-Busch to proceed with the joint appendix as filed. Anheuser-Busch included in the three-volume joint appendix multiple exhibits consisting of deposition transcript pages as they were filed in the district court. Thus, replacing the deposition pages would require Anheuser-Busch to include different documents from those that were filed below, which would complicate the parties' citation of record evidence and this Court's review. In addition, because Plaintiffs-Appellees asked Anheuser-Busch to include full versions of twelve depositions that Anheuser-Busch had proposed to excerpt, as well as full versions of three new depositions, complying with the Court's order will cause the appendix to substantially increase in size.

Accordingly, Anheuser-Busch respectfully requests that the Court enter an order granting it leave to proceed with the joint appendix as filed.

Dated: July 7, 2025

Respectfully submitted,

/s/ James E. Tysse

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CERTIFICATE OF COMPLIANCE

I hereby certify that this motion (i) was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook type style, and (ii) contains 196 words. It therefore, complies with Federal Rule of Appellate Procedure 27(d).

/s/ James E. Tysse
James E. Tysse

Dated: July 7, 2025